

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. MCCAIN):

S. Res. 260. A resolution expressing the sense of the Senate that the Secretary of Health and Human Services should take action to remove dietary supplements containing ephedrine alkaloids from the market; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 261. A resolution to authorize testimony, document production, and legal representation in the State of Colorado v. Daniel Raphael Egger, Sarah Jane Geraldi, Jennifer Melissa Greenberg, Lisa Gale Kunkel, Bonnie Catherine McCormick; considered and agreed to.

By Ms. SNOWE (for herself, Mrs. DOLE, Mr. BAUCUS, Mr. GRAHAM of South Carolina, and Mr. BAYH):

S. Res. 262. A resolution to encourage the Secretary of the Treasury to initiate expedited negotiations with the People's Republic of China on establishing a market-based currency valuation and to fulfill its commitments under international trade agreements; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 491

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 585

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 698

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 698, a bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986.

S. 875

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 1513

At the request of Mr. SCHUMER, the names of the Senator from Massachu-

setts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1513, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form or become members of labor organizations, and for other purposes.

S. 1531

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1679

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1679, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems.

S. 1685

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1685, a bill to extend and expand the basic pilot program for employment eligibility verification, and for other purposes.

S. 1707

At the request of Ms. STABENOW, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1707, a bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes.

S. 1818

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1818, a bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

AMENDMENT NO. 2080

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2080 proposed to H.R. 2673, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 2110

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2110 proposed to H.R. 2673, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. SCHUMER):

S. 1833. A bill to improve the health of minority individuals; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, 40 years ago, the famous and inspirational civil rights activist Fannie Lou Hamer rallied the Nation with her statement "I am sick and tired of being sick and tired." Her words still resonate with millions of Americans today. Whether we are talking about African Americans, Latinos, Asian Americans or American Indians, the fact is that minorities continue to live sicker and die younger in America. We know that African Americans are one-third more likely than all other Americans to die from cancer. They have the highest rate of hypertension in the world. Latinos have the least insurance, with one in three having no coverage at all. American Indian tribes struggle with what can only be called epidemics of diabetes, with rates near 50 percent in certain tribes. The tremendous gains that we have witnessed in science and medicine have benefited millions of our citizens, but too often they are out of reach for minorities.

It is a privilege to join my colleagues to introduce the Healthcare Equality and Accountability Act. Our goal is to produce major improvements in all aspects of minority health care. It expands health insurance coverage. It supports better access to services that are culturally and linguistically appropriate. It strengthens the safety-net. It promotes the development of new and better ways to treat diseases that disproportionately affect minorities.

It also increases the diversity of the health care workforce. Many studies show that minority health professionals dramatically increase access to care and the delivery of good care to

minority patients. Despite their importance, however, the percentage of minority health professionals is shockingly low. African Americans, Latinos and American Indians account for almost 25 percent of the Nation's population—but they account for less than 10 percent of the Nation's doctors, less than 5 percent of dentists, and only 12 percent of nurses.

Our bill will increase the number of minority health professionals by expanding existing pipeline programs and developing new ones. It also provides additional scholarship support to enable more minority and low-income students to make their careers in health care.

Another critical need addressed by this bill is accountability. It holds health care agencies and institutions, public and private, accountable for the care delivered to their minority populations as well as their health outcomes. It reauthorizes the Office of Minority Health, increases the effectiveness of the Office for Civil Rights and establishes a new Office for Health Disparities within the Office for Civil Rights. It also establishes compliance offices in each of the Federal agencies, to ensure that the policies, programs and practices of each agency are in compliance with title VI of the Civil Rights Act, which prohibits discrimination based on race, ethnicity or national origin.

We can't just talk about racial and ethnic health disparities. We have to do more to eliminate them. All Americans deserve fair and equitable treatment in health care. The administration has said time and time again that it is committed to improving minority health. But, the President's own budget eliminated all funds for workforce diversity training programs, and all funds for the Community Access Program, despite the overwhelming evidence that minority health providers and community health centers dramatically improve access to care and quality of care for minority populations. The President's budget also reduced funds for the Office of Minority Health, and it has made the Office for Civil Rights virtually powerless to carry out its mission.

Vast numbers of minority Americans are needlessly suffering because of administration's neglect. We cannot turn our back on the needs of nearly one-third of the Nation's population. Whether we are talking about health insurance, language access, disease prevention, or public hospitals and community health centers, the need is great and the time is now. I urge my colleagues to support this bill, so that we do what is so clearly needed to improve the health and health care for millions of minority Americans.

By Ms. STABENOW:

S. 1834. A bill to waive time limitations in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts

of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

Ms. STABENOW. Mr. President, today I rise to introduce a bill that would waive rigid time limitations in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, OH, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War. There is a companion bill in the House of Representatives, H.R. 369, which was introduced by Representative SANDER LEVIN and is cosponsored by a bipartisan group of forty-three Members of Congress.

I think it is important that my colleagues hear the heroic story of Sergeant Gary Lee McKiddy. Sergeant McKiddy served with the 1st Cavalry Division in Vietnam. He was a helicopter crew chief and a door gunner. On May 6, 1970, Sergeant McKiddy's helicopter came under enemy fire and received several damaging blows, causing the helicopter to crash and start burning. Through investigations, the Army arrived at the conclusion that Sergeant McKiddy was thrown free of the helicopter and was out of harm's way, but bravely returned to the burning helicopter and found Specialist Four James Skaggs, who was unconscious, and carried him to safety. Sergeant McKiddy then returned to the wreckage to help rescue the pilot, Warrant Officer Tommy Whiddon, when the aircraft's fuel cells exploded, killing Warrant Officer Whiddon and Sergeant McKiddy.

I think we all can agree that this is an incredible story of bravery, honor, and selflessness. Specialist Four Skaggs wrote in a letter, "Gary McKiddy was awarded the Silver Star for these acts of heroism but not the Medal of Honor because there were no witnesses. I don't understand how he could be awarded the Silver Star based on this information but not the Medal of Honor. There has never been any doubt in my mind about what happened that day. I am totally convinced Gary McKiddy earned and deserves the Medal of Honor."

Sergeant McKiddy's brother, Rick, lives in Warren, MI. Rick McKiddy, other family members, and Specialist Four Skaggs have been fighting for Sergeant McKiddy's Medal of Honor for 20 years to no avail. They've contacted countless persons at the Pentagon and have taken their case to anyone who will listen. They've exhausted their resources. I think that Sergeant McKiddy deserves a second chance. It is time for Congress to act.

As we all know, the Medal of Honor is defined as "the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States." Unfortunately, the time limit for the application for the Medal of Honor ran out before an application was submitted on Sergeant

McKiddy's behalf. The bill that I am introducing today waives the time limit on the application and requests that the President award Sergeant McKiddy the Medal of Honor.

With Veteran's Day quickly approaching, I think this is a very fitting way to honor not only Sergeant McKiddy, but all of those men and women who have given their lives for our country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AWARD MEDAL OF HONOR TO GARY LEE MCKIDDY FOR VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to Gary Lee McKiddy, of Miamisburg, Ohio, for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty of Gary Lee McKiddy, between October 25, 1969, and May 6, 1970, and particularly on May 6, 1970, the day he died during a combat operation in Cambodia while serving as a Specialist Four in the 1st Cavalry Division of the United States Army.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously as provided in section 3752 of title 10, United States Code.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1835. A bill to extend the effective period of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) for 10 years; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce, along with my colleague Senator PATRICK LEAHY, and Ranking Democrat Member of the Judiciary Committee, legislation to reauthorize the Undetectable Firearms Act. I want to thank Senator LEAHY for joining with me in introducing this bill and for his cooperation in working together on this important issue.

This reauthorization will extend the existing ban on the manufacture, sale, importation, shipping, possession, transfer, or receipt of firearms that could not be detected by a metal detector or x-ray machine. Everyone in this Chamber knows how deeply I care for the Second Amendment and the individual's right to own and bear arms. I want everyone to understand that this ban does not ban a single firearm in production today. It prevents any individual or company from creating an undetectable firearm.

I urge my colleagues to support the measure.

Mr. LEAHY. Mr. President, I am pleased to join with Senator HATCH to

introduce legislation to extend the Undetectable Firearms Act for ten years. I appreciate working with the Chairman of the Judiciary Committee and thank him for his leadership on this legislation.

The Undetectable Firearms Act became law in 1988, long before the tragic attacks on our country on September 11, 2001. The Undetectable Firearms Act also known as the "plastic gun law" made it illegal to manufacture, import, possess, or transfer a firearm that is not detectable by walk-through metal detectors or airport x-ray machines. This law has been extended once, and is due to expire on December 10, 2003.

It is critical that this bill does not expire at the end of this year. Over the past two years, Congress has done tremendous work to make America a safer place and prevent any more terrorist attacks. We need to act today to ensure that Americans are not needlessly vulnerable to attacks at airports, schools, and other public buildings.

I urge all my colleagues to support this legislation to extend the Undetectable Firearms Act for the next ten years.

By Mr. GRASSLEY:

S. 1837. A bill to combat money laundering and terrorist financing and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to speak in support of a bill that I am introducing today, the Combating Money Laundering and Terrorist Financing Act of 2003.

Money laundering is a significant threat to our country because it undermines our national security, promotes corruption and funds terrorism. Money laundering operations as a whole include such mechanisms as structured transactions, wire fraud, over- and under-invoicing, and other activities designed to defraud and hide profits from illegal activities. All of these transactions undermine legitimate financial institutions by promoting corruption, funding criminal and terrorist operations, and by providing a method of profiting from illegal transactions such as drug trafficking and weapons sales.

We know that money laundering is the functional equivalent of a war industry for terrorist groups. Terrorist groups do not function in a bubble but will use whatever means available to obtain funding for their cause. Our attention and rhetoric are focused on identifying and halting those mechanisms used specifically by terrorist organizations such as charitable organizations, money service businesses and alternative remittance systems which are often referred to as hawalas. Frankly, the tools used to launder and disguise funds for terrorist organizations are similar, and quite often identical to, those used by many drug traffickers and criminal organizations to clean their own dirty money.

No matter how the funds are obtained and ultimately used, they are still dirty, and if we are ever going to get ahead of the curve, we must design a better way to identify and halt this flow of illegal funds. The bill I am introducing today includes several provisions that will strengthen our current money laundering and terrorist financing laws to enhance our ability to identify and eliminate various avenues used to launder money, whether it be for drug traffickers, criminal organizations or terrorists.

This bill adds several provisions to the list of specified unlawful activities within the RICO statute that serve as predicates for the money laundering statute including: burglary and embezzlement, illegal money transmitting businesses, alien smuggling, child exploitation and obscenity. It would close a loophole on securities fraud by including the purchase of securities with the sale of securities as a money laundering offense, and adds the unlawful use of Social Security numbers to the list of money laundering offenses.

It adds a provision to the civil forfeiture statute to include the forfeiture of property outside the U.S. territorial boundaries if it was used in the planning of the terrorist act that occurred within the jurisdiction of the United States and includes a parallel transaction provision which provides that all parts of a parallel or dependent financial transaction are considered a money laundering offense if one part of that transaction involves the proceeds of an unlawful activity.

Our best response to money laundering and terrorist financing threats is a comprehensive and coordinated response which must be laid out in an effective strategy. This bill also reauthorizes the National Money Laundering and Financial Crimes Strategy Act through 2006. This yearly strategy must identify the risks and threats we face. Without a comprehensive strategy, we cannot begin to implement laws and regulations that will effectively combat money laundering sources and shut down the system as a whole. Only when we have a systematic approach to money laundering will we be able to avoid the duplication and inconsistencies that currently plague our efforts.

This legislation is important to identifying particular money laundering operations and putting them out of business. I encourage you to pass this legislation to ensure our national security against the continued threat posed by terrorist financing and financial crimes.

By Mr. DASCHLE (for Mr. KERRY):

S. 1838. A bill to require payments to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, rebuilding Iraq is critical to peace and stability in the Mideast and to help win the war on terrorism. Today, American families and American cities are also hurting and I believe they deserve the same assistance we are providing for families and cities in Iraq. While keeping our commitments abroad, we must not neglect our homeland.

Today, President Bush signed into law an \$87 billion supplemental appropriations bill that includes \$20.3 billion for reconstructing Iraq and to assist Iraqi families. I opposed this legislation because I do not believe this plan is the most effective way to protect American soldiers and to advance our interests. Providing assistance to help rebuild Iraq is the right thing to do; however, we must also provide equal consideration and equal funding to resolve America's domestic problems. That is why I am introducing the American Parity Act to ensure that any additional spending for Iraq's post-war reconstruction plan is balanced dollar-for-dollar with new investments in education, health care, transportation, housing, social services and public safety needs across the United States.

President Bush's economic approach has left State and city governments facing billions in budget deficits forced lay offs, education cuts, Medicaid cuts, reductions in critical social service programs and tax increases.

State and city governments need our help to protect their public services, rebuild America's roads and bridges, and ensure resources are available to help unemployed and impoverished Americans. My legislation will authorize payments to States and cities to assist them with their social service and infrastructure needs in the same amount as provided for relief and reconstruction in Iraq. Local governments will receive at least one-third of the total funds authorized.

These funds will be used to help America's children, seniors, and struggling families who depend upon affordable health care, quality education and public transportation programs that are facing massive cuts in order to balance state and local budgets across the Nation. These funds will assist in the development of our economy and create jobs.

Health insurance has become too expensive. Double-digit increases in health care premiums make it hard for Americans and businesses alike to afford health care. Today, more than 44 million Americans have no health insurance. More than ever, these Americans need access to Medicaid and other health care programs that help with the high cost of prescription drugs. However, many of these programs are endangered by state and local budget cuts. The American Parity Act will help State and local governments continue to provide health care assistance.

In our changing global economy, every American needs access to quality schools and advanced skills to succeed in our rapidly changing economy. In order for our American business to grow, we need workers to be more innovative and more productive than those of our competitors. My legislation will help cities provide additional resources to improve educational programs, modernize and rebuild crumbling schools, reduce class size, improve special education and help pay teachers.

Our Nation is facing an affordable housing crisis. Recent changes in the housing market have limited the availability of affordable rental housing across the country and have dramatically increased the cost of those that remain. In 2001, more than 14 million families spent over half of their income on housing. This bill will provide funding so that states and cities produce housing for working families.

We must show the same commitment to rebuilding Main Street as we have shown in rebuilding Iraq. American citizens deserve access to the same benefits and services we are so nobly providing to the people of Iraq. The American Parity Act will help States and cities cope with their current fiscal crisis and help ease potential cuts in programs critical to the most vulnerable in our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

- (1) The President has proposed a multibillion dollar reconstruction project for Iraq.
- (2) The President's plan includes resources to rebuild potable water and wastewater treatment facilities; schools and health facilities; ports and airports; the electric power system, roads, and bridges; railroad infrastructure; solid waste management services; irrigation systems; and selected local government buildings.
- (3) State and local governments in the United States have their own unmet infrastructure and social services needs.
- (4) State and local governments represent a significant segment of the national economy whose economic health is essential to national economic prosperity.
- (5) Present national economic problems have imposed considerable hardships on State and local government budgets.
- (6) Those governments, because of their own fiscal difficulties, are being forced to take budget-related actions which tend to undermine Federal Government efforts to stimulate the economy.
- (7) Efforts to stimulate the economy through reductions in Federal Government tax obligations or increased spending on Federal programs are weakened when State and local governments are forced to increase taxes or cut spending.
- (8) Efforts by the Federal Government to stimulate the economic recovery will be substantially enhanced by a program of emergency Federal Government assistance to

State and local governments to help prevent those governments from taking budget-related actions which undermine the Federal Government efforts to stimulate economic recovery.

(9) State and local governments deserve, at a minimum, the same level of Federal investment to address infrastructure and social services shortfalls as the amount of relief and reconstruction funds provided to Iraq.

SEC. 2. FINANCIAL ASSISTANCE AUTHORIZED.

(a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—The Secretary of the Treasury shall, in accordance with the provisions of this Act, make payments to States and local governments to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of the Treasury for fiscal year 2003 for payments under this Act an amount equal to at least the total amount appropriated for fiscal year 2003 under the heading "Iraq Relief and Reconstruction Fund" in the Emergency Wartime Supplemental Appropriations Act, 2003, and any amounts appropriated for such Fund in any subsequent appropriation Act. Such amounts shall be in addition to, and not in lieu of, other amounts appropriated for payments to States and local governments.

(c) AVAILABILITY TO LOCAL GOVERNMENTS.—Not less than one-third of the amount appropriated pursuant to the authorization in subsection (b) shall be made available to local governments under the applicable laws of a given State.

SEC. 3. ALLOCATION.

The Secretary of the Treasury shall establish a formula, within 30 days after the date of the enactment of this Act, for determining the allocation of payments under this Act. The formula shall give priority weight to the following factors:

- (1) The unemployment rate in relation to the national average unemployment rate.
- (2) The duration of the unemployment rate above such average.
- (3) Median income.
- (4) Population.
- (5) The poverty rate.

SEC. 4. USE OF FUNDS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Funds received under this Act may be used only for priority expenditures. For purposes of this Act, the term "priority expenditures" means only—

- (1) ordinary and necessary maintenance and operating expenses for—
 - (A) primary, secondary, or higher education, including school building renovation;
 - (B) public safety;
 - (C) public health, including hospitals and public health laboratories;
 - (D) social services for the disadvantaged or aged;
 - (E) roads, transportation, and water infrastructure; and
 - (F) housing; and
- (2) ordinary and necessary capital expenditures authorized by law.

(b) CERTIFICATIONS BY STATE AND LOCAL GOVERNMENTS.—The Secretary of the Treasury may accept a certification by the chief executive officer of a State or local government that the State or local government has used the funds received by it under this Act only for priority expenditures, unless the Secretary determines that such certification is not sufficiently reliable to enable the Secretary to carry out this Act. The Secretary shall prescribe by rule the time and manner in which the certification must be filed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 260—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF HEALTH AND HUMAN SERVICES SHOULD TAKE ACTION TO REMOVE DIETARY SUPPLEMENTS CONTAINING EPHEDRINE ALKALOIDS FROM THE MARKET

Mr. DURBIN (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 260

Whereas, a RAND Corporation study commissioned by the Department of Health and Human Services found no evidence for long-term efficacy of ephedrine alkaloids for weight loss and that there is no credible science showing that ephedrine or dietary supplements containing ephedrine alkaloids, as those products are used by the general population, improve athletic performance;

Whereas ephedrine alkaloids can—

- (1) increase heart rate and blood pressure;
 - (2) stimulate the central nervous system;
- and

- (3) lead to strokes, seizures, psychosis, cardiac arrhythmia, heart attacks, and deaths;

Whereas the Food and Drug Administration has received approximately 16,500 adverse events reports for consumers who have used dietary supplements containing ephedrine alkaloids, including approximately 155 reports of death;

Whereas the Inspector General of the Department of Health and Human Services has noted with concern that about 60 percent of persons suffering adverse events related to the use of dietary supplements containing ephedrine alkaloids are under the age of 40;

Whereas a study published in the Journal of Neurology found that there may be an association between the use of more than 32 milligrams per day of ephedra and an increased risk of hemorrhagic stroke, but the daily dose recommended by the dietary supplement industry is about 3 times that much;

Whereas a study published in Mayo Clinical Proceedings found that in 36 out of 37 serious cardiovascular events associated with ephedrine alkaloids examined, the patient had consumed doses of a dietary supplement containing ephedrine alkaloids at or below the dose recommended by the manufacturer;

Whereas a study commissioned by the Food and Drug Administration to review reports of ephedrine alkaloid-related adverse events (including serious adverse events such as seizures, strokes, and death), which resulted in publication in the New England Journal of Medicine of an article in 2000, found that 31 percent of the reports were definitely or probably related to ephedrine alkaloid use and an additional 31 percent were possibly related to ephedrine alkaloid use;

Whereas a study published in the Annals of Internal Medicine concluded that—

- (1) the risk for an adverse reaction after the use of ephedra is substantially greater than with other herbal products; and
- (2) the sale of ephedra as a dietary supplement should be restricted or banned to prevent serious adverse reactions in the general population;

Whereas approximately 30 members of the United States Army have died after taking a dietary supplement containing ephedrine alkaloids, and the Department of Defense has banned the sale of dietary supplements